

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

CIVIL MOTION HEARING

COURT MINUTES

Pro-Life Action Ministries, Lucy Maloney,
Thomas Wilkin, and Debra Braun,

BEFORE: Dulce J. Foster
U.S. Magistrate Judge

Plaintiffs,	Case No:	23-cv-853 (ECT/DJF)
v.	Date:	November 26, 2024
City of Minneapolis,	Venue:	Zoom Video Hearing
a Minnesota municipality,	Court Reporter:	Lynee Krenz
Defendant.	Recording:	Zoom Recording
	Time Commenced:	11:01 A.M.
	Time Concluded:	12:28 P.M.
	Time in Court:	1 Hour 27 Minutes

APPEARANCES:

Plaintiff: Primary Counsel – Peter Breen
Other Counsel – Tyler Brooks, Amelia Knapp, Nathan Lloyd
Paralegal – Amelia Knapp

Defendant: Primary Counsel – Munazza Humayun
Other Counsel – Sara Lathrop

PROCEEDINGS: The parties presented oral argument regarding Plaintiff’s *Motion to Compel* (ECF No. 82) (“Motion”).

For the reasons stated on the record, the Court ordered that the Motion be **GRANTED IN PART AND DENIED IN PART** as follows:

1. The Motion is **DENIED** as follows:
 - a. Pursuant to paragraph 9 of the Protective Order (ECF No. 49), the City may claw back each document it has identified as having been inadvertently disclosed, unless the document is identified (pursuant to paragraph 2 below or otherwise) as not protected under the attorney-client privilege, the work product doctrine or another applicable privilege or protection;
 - b. The City is not required to produce otherwise privileged or protected documents based on subject matter waiver; and
 - c. Plaintiff’s request for reimbursement of its fees and expenses in making the Motion is denied.
2. The Motion is **GRANTED** insofar as the City shall, on or before **December 17, 2024**:
 - a. Identify each document it has withheld or clawed back under an alleged privilege or protection on grounds that a non-attorney City employee lacking

- authority to waive privilege communicated it to a third party (“Third-Party Communications);
- b. Meet with the City attorney(s) whose communications and/or work product establish the basis for the claimed privilege or protection as to any such Third-Party Communications;
 - c. Meet with the non-attorney employee(s) who communicated the Third-Party Communications to a third party;
 - d. Determine whether the City attorney authorized or was aware of the disclosure, such that the communication is not privileged; and
 - e. Produce all Third-Party Communications that a City attorney either: (1) authorized; or (2) knew was occurring without taking steps to prevent the third-party disclosure.

☐ ORDER TO BE ISSUED ☒ **NO ORDER TO BE ISSUED** ☐ R&R TO BE ISSUED ☐ NO R&R TO BE ISSUED

☐ Exhibits retained by the Court ☐ Exhibits returned to counsel

Date: November 26, 2024

/s Daniel Caballero

Law Clerk